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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,221	02/14/2001	Alexander I. Leyn	CISCP21 I/3428	2554

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EXAMINER

PHU, PHUONG M

ART UNIT	PAPER NUMBER
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2631

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DATE MAILED: 06/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/784,221	Applicant(s) LEYN, ALEXANDER I.	
	Examiner Phuong Phu	Art Unit 2631	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2631

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 14-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 14-16 are directed to signal structures. These claims do not fall within any of the four statutory classes of 35 U.S.C. 101.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 7 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 7 and 15 recite the limitation "the flag bits, low bit and check word bits **may** repeat within each packet". The language "**may** repeat within each packet" is not a definite language to indicate whether "the flag bits, low bit and check word bits" is necessary to "repeat within each packet".

4. Claims 3-5 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01.

Art Unit: 2631

Claim 3 omits functional/structural/connectional interrelationships of "a locked oscillator" with other elements (e.g., input source, SYNC decoder, SYNC receivers, etc.), claimed in claims 3 and 1, for making the claimed system to be a complete operative and connective system.

Claim 4 omits functional/structural/connectional interrelationships of "an external master reference" with other elements (e.g., input source, SYNC decoder, SYNC receivers, etc.), claimed in claims 4 and 1, for making the claimed system to be a complete operative and connective system.

Claim 5 omits functional/structural/connectional interrelationships of "a flywheeling counter" with other elements (e.g., input source, SYNC decoder, SYNC receivers, etc.), claimed in claims 5 and 1, for making the claimed system to be a complete operative and connective system.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an

Art Unit: 2631

international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Noda et al (5,784,119).

As per claims 1, 8 and 9, see figure 1 and col. 2, line 38 to col. 3, line 67, Noda et al discloses a method and associated system comprising:

step/means (12, 11) having an input source for outputting a CLK signal (RCK) and a SYNC stream (17) for being received by means (13);

step/means (13) of decoding said SYNC stream into a plurality of decoded signals (AD, AUDIO PTS/DTS, VD, VIDEO PTS/DTS) ; said decoding utilizing said CLK signal;

step/means (13) of transmitting said decoded signals to a plurality of receivers (15, 19);

step/means (15, 16) of creating and synchronizing third signals (18, 19) derived from said decoded signals; and

step/means (15, 16) of transmitting said third signals.

As per claims 2 and 10, Noda et al discloses that said input source comprises a clock (RCK).

As per claims 3, 4, 11 and 12, Noda et al discloses that said input source comprises an oscillator (12) as a external reference.

As per claims 5 and 13, Noda et al discloses that each of receivers comprise a counter (14).

Art Unit: 2631

As per claim 6, in Noda et al, said SYNC stream (17) comprises a plurality of packet “frame” (see col. 2, lines 53-60), wherein each packet inherently comprises a plurality of high and low bits (PTS, DTS) with a length more than 8 bits for a purpose of synchronizing a data stream (see col. 3, lines 1-24).

As per claim 7, Noda et al discloses that said plurality of high and low bits repeats in each packet ((see col. 3, lines 1-24).

Claims 14-16 are rejected with reasons set forth for claims 6 and 7.

7. Claims 1-4 and 8-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Watanabe et al (6,288,748).

As per claims 1, 8 and 9, see figure 4 and col. 6, line 7 to col. 7, line 2, Watanabe et al discloses a method and associated system comprising:

step/means (113, 122) having an input source for outputting a CLK signal and a signal stream (T.S.) for being received by means (114);

step/means (114) of decoding said signal stream into a plurality of decoded signals (A, Y, H) ; said decoding utilizing said CLK signal (see col. 6, lines 23-25);

step/means (115, 117, 119) of transmitting said decoded signals to a plurality of receivers (116, 118, 120);

step/means (116, 118, 120) of creating and synchronizing third signals derived from said decoded signals; and

step/means (116, 118, 120) of transmitting said third signals.

As per claims 2 and 10, Watanabe et al discloses that said input source comprises a clock (CLOCK).

Art Unit: 2631

As per claims 3, 4, 11 and 12, Watanabe et al discloses that said input source comprises an oscillator (123) as a external reference.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong Phu whose telephone number is 703-308-0158. The examiner can normally be reached on M-F (8:30-6:00) First Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on 703-306-3034. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuong Phu

Phuong Phu
04/26/04

Phuong Phu
Primary Examiner
Art Unit 2631

**PHUONG PHU
PRIMARY EXAMINER**